CHAPTER 5
OTHER REQUIRED DISCLOSURES

Levee boils in 1983.

CHAPTER 5.0

OTHER REQUIRED DISCLOSURES

5.1 Introduction

This chapter describes other statutory requirements not discussed elsewhere in the Draft EIS/EIR. Cumulative effects and growth-inducing effects are discussed along with unavoidable adverse effects, the relationship of short-term uses and long-term productivity, and irreversible and irretrievable commitments of resources. Included is a section describing mitigation and environmental monitoring for the project and a section describing the project's compliance with applicable laws, policies, and plans. Finally, public involvement associated with the project is discussed.

5.2 Cumulative Effects

NEPA regulations and the CEQA Guidelines mandate that an EIS/EIR discuss effects that when combined with the effects of other projects, result in significant cumulative effects. NEPA regulations define a cumulative effect as:

> The effect on the environment which results from the incremental effect of the action when added to other past, present, and reasonable foreseeable future actions regardless of what agency (Federal or non-Federal) or person undertakes such other actions. Cumulative Effects can result from individually minor but collectively significant actions taken over a period of time (40 CFR 1508.7).

CEQA Guidelines require that an EIR discuss cumulative effects "when they are significant" (Section 15130). The Guidelines define cumulative effects as "two or more individual effects which, when considered together, compound or increase other environmental effects" (Section 15355). Cumulative effects produced by several projects are defined as "the change in the environment which results from incremental effect of the project when added to other closely related past, present, and reasonable foreseeable actions" (Section 15355). This means that the incremental effects of the individual project would be considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects (Section 15065(c)).

Section 15130(a)(3) states that an EIR may determine that a project's contribution to a significant cumulative effect would be rendered less than cumulatively considerable, and thus not significant, if a project is required to implement or fund its fair share of a mitigation measure or measures designed to alleviate the cumulative effect.

Section 15130(b) indicates that the level of detail of the cumulative analysis need not be as great as for the project effect analyses and that it should reflect the severity of

the effects and their likelihood of occurrence. It should be focused, practical, and reasonable.

To be adequate, a discussion of cumulative effects must include the following elements:

- Either (a) a list of past, present, and probable future projects including, if necessary, those outside the agency's control or (b) a summary of projections contained in an adopted general plan or related planning document, or in a prior adopted or certified environmental document, which described or evaluated regional or areawide conditions contributing to the cumulative effect provided that such documents are referenced and made available for public inspection at a specified location;

- A summary of expected environmental effects of individual projects, with specific reference to additional information stating where such information is available; and

- A reasonable analysis of all cumulative effects of the relevant projects, with an examination of reasonable, feasible options for mitigation or avoiding the project's contribution to such effects (Section 15130[b]).

For some projects, the only feasible mitigation measures would involve the adoption of ordinances or regulations, rather than the imposition of conditions on a project-by-project basis (Section 15130[c]).

5.2.1 Methodology

The cumulative effects section incorporates protocol written by the Council on Environmental Quality, Executive Office of the President, in Considering Cumulative Effects Under the National Environmental Policy Act as well as CEQA Guidance, as amended and revised. CEQA Guidelines require that an EIR discuss cumulative effects "when they are significant" (Guidelines Section 15130). Accordingly, this section consists of a discussion of past, present, and foreseeable future actions contributing to possible significant effects, regardless of what agency (Federal or non-Federal) or person undertakes such actions.

The cumulative analysis for this Draft EIS/EIR varies by topic area, but generally includes planned development in Yolo County, and is based on the County General Plan, Land Use designations, Yolo County Habitat Conservation Plan, Cache Creek Annual Status Report (p. 17), Off-Channel Mining Plan (OCMP), and the Cache Creek Resources Management Plan (CCRMP).

Analysis of cumulative effects incorporates the following criteria:

Health based standards	• Air pollutant emission standards, water pollutant discharge standards, and noise levels
Service capacity	• Water supply and wastewater treatment capacity
Ecological standards	• Effects on declared threatened or endangered species, loss of farmland, or wetland encroachment
Other standards	• Found in NEPA and CEQA Guidance regarding esthetics, population, and housing.

5.2.2 Related Projects in the Study Area

Existing and Ongoing Projects

- **North Woodland Stormwater Retention Pond**. Stormwater runs into the North Stormwater Retention Pond, an old borrow pit used for construction of Interstate 5. The area is south of I-5 where I-5 connects with County Road 98.

  The storage capacity within the pit is 430 acre feet, sufficient to prevent storm runoff from entering the city's storm drainage system (City of Woodland, 1998).

- **Camillus Nelson Historic Ranch and Cattle Company**. This nationally registered historic property includes tree lines that are over 100 years old. The property owners plan to restore the property to a historic working ranch. Without mitigation, this resource is at risk with the flood barrier alternative plan.

- **Off-Channel Gravel Mining.** There are currently seven off-channel mining operations (Schwarzgruber, Syar, Solano, Teichert [Woodland], Teichert [Esparto], Granite Capay, and Granite Woodland) that are permitted along Cache Creek (Yolo County, January 2001). The gravel mining reach of the Cache Creek Basin extends approximately 14.5 miles along Cache Creek between Capay and Yolo. Facilities include sand and gravel processing plants, asphalt-concrete hot mix plants, concrete batch plants, material stockpiles, settling ponds, water wells, stationary and mobile equipment, and haul roads (USACE, 1995). Instream mining is permitted by industry only as a flood control measure. This project began in 1996 and is expected to continue for 30 years.

- **Sacramento River Flood Control Project.** This project consists of a comprehensive system of levees, overflow weirs, outlet gates, pumping plants, bypass floodway, overbank floodway areas, improved channels, and dredging in the lower reach of the Sacramento River. The system functions to control and divert floodwater in the Sacramento River basin (USACE, 1995). This project is ongoing.

- **Cache Creek Settling Basin.** As part of the Sacramento River Flood Control Project, the Corps constructed the settling basin in 1937 to trap sediment from Cache Creek that would otherwise settle in the Yolo Bypass and restrict its capacity. The basin capacity was increased in 1991, resulting in increasing the life span of the facility.

- **Clear Lake Dam.** Water flows from Clear Lake through the Clear Lake Outlet Channel and Clear Lake Dam to Cache Creek. The dam regulates lake levels, regulates summer irrigation releases, and generates hydroelectric power (USACE, 1995).

- **Yolo Basin Wetlands (Section 1135).** There are three historic wetland restoration projects for 3,100 acres in the Putah Creek sinks area, 180 acres in the Yolo Causeway, and 400 acres of farmland northeast of Davis (USACE, 1995).

- **Yolo County Planning and Public Works Water Quality Monitoring Program.** Three times a year, samples are taken from four monitoring sites along Cache Creek to identify and monitor for the presence of various constituents found in the creek. The County also conducts biannual mercury monitoring as well (Yolo County, January 2001).

- **Cache Creek Conservancy and the County of Yolo Invasive Weed Removal Project.** The 10-year project (started in 2001) funded by the Wildlife Conservation Board and CALFED removes arundo and tamarisk from the lower reaches of Cache Creek for the purposes of flood control, bank stabilization, and habitat enhancement (Yolo County, January 2001).

- **Yolo County Survey.** The County is surveying and laying out 13 transects along the lower portion of Cache Creek to facilitate assessment of vegetation growth. Analysis of results would indicate areas requiring restoration (Yolo County, January 2001). The survey is scheduled for completion in May 2002.

- **Yolo County Administrative Draft of the Supplemental Environmental Impact Report for the Cache Creek Resource Management Plan.** The SEIR is being prepared to update the 1996 EIR prepared for the Cache Creek Resource Management Plan. The 1996 document was used as support for obtaining permits from the Corps, DFG, and the RWQCB to allow general permitting of projects pertaining to any instream projects. All three permits are expiring the summer of 2002. After the SEIR is completed, information would become part of the application to renew permits (Yolo County, January 2001).

- **Guinda Bridge Bank Stabilization Project.** Yolo County is completing bank stabilization at Guinda to prevent erosion and sediment transport downstream. Yolo County is in the early stages of the permitting process, and a Negative Declaration would be the appropriate document under CEQA

(Yolo County, January 2001). Completion of this project is expected to be at the end of 2002.

- **Joint Conjunctive Water Use Project.** Yolo County Flood Control and Water Conservation District is preparing a groundwater storage conjunctive-use program operating on farmland northwest of Woodland. Program goals are to enhance groundwater storage, raise groundwater pumping levels, potentially reduce pumping energy costs, and minimize subsidence. The flood barrier blocks surface runoff to Hoey and School House Ditches; however, a pipeline conducting flow over the flood barrier would be constructed to restore the connection (City of Woodland, December 2001). This project began in 2001 and completion is expected in mid-2002.

- **Yolo County Planning and Public Works Mine Reclamation Monitoring.** Yolo County considers mining an important activity and recognizes that the creek is integrally bound to the environmental and social resources of the county, including drainage/flood protection, water supply and conveyance, wildlife habitat, recreation, and agricultural productivity. Plans are to maintain Cache Creek's resources with an integrated management plan that balances gravel mining concerns with emphasis on habitat restoration. Goals are to cease instream mining and create recreational opportunities along with groundwater recharge and storage that would reverse overdraft of the aquifer by agricultural and urban uses (Yolo County, January 2001). This project began in 1996 and is scheduled to continue over the next 30 years.

- **Yolo County Historic Mine Reclamation Site.** East of the 95B Bridge at Teichert (Woodland) above I-5, Yolo County is reclaiming its old gravel extraction site previously used for county projects. The area would be reclaimed as required in the original mining and reclamation plan (Yolo County, January 2001). Completion of this project is expected to be in 2005.

Future Projects

- **City of Woodland Expansion of the Volkl Shed Storm Drainage Facility.** The City of Woodland plans to expand the Volkl Shed storm drainage facility that is designed to serve new growth in the northwest and convey runoff from agricultural land west of CR 98 and north to I-5. Storm drainage entering the Volkl Trunk west of I-5 would discharge into the Volkl Storm Water Detention Pond south of Kentucky Avenue between East Street and County Road 98 (City of Woodland, 1998).

- **FEMA Hazard Mitigation Projects.** The Phase IV – Lower Sacramento Area Levee Reconstruction Project is designed to restore Sacramento River Flood Control Project levees south of Sacramento and the Yolo Bypass. Economically feasible work consists of stabilizing and raising levees along Miner, Elk, Steamboat, and Sutter Sloughs. A final decision on this project is expected in mid 2002. The project would take about 6 weeks to complete.

- **Yolo County Landowner Guide for Bank Stabilization.** The landowner guide is being produced to facilitate landowner cooperation and participation in invasive weed removal. The program goal is to mitigate for continued erosion along Cache Creek (Yolo County, January 2001). Completion of this project is expected at the end of 2002.

- **Granite Construction Company.** Granite Construction Company is submitting a proposal to add an upland asphalt plant and move an existing upland off-channel concrete plant at the Capay facility. The existing permit would require reclamation of the concrete plant site (Yolo County, January 2001). Completion of this project is expected at the end of 2002.

- **Outfall Channel.** City storm drainage flows from west to east and discharges directly into the Yolo Bypass through a new outfall channel erected when the Corps constructed a new south levee to the settling basin in the early 1990s. Low flows are released from the settling basin into the Yolo Bypass immediately north of the city's outfall channel. The combined discharges lack a defined channel and have reportedly resulted in scouring of the Yolo Shortline Railroad trestle within the Yolo Bypass. A new outlet structure at the east end of the City's outfall channel, and a cross bypass low flow channel to the canal, is required to correct the erosion problems.

5.2.3 Evaluation of Cumulative Effects

Introduction

This chapter discusses the cumulative effects of the No Action, LCCFB, and Modified Wide Setback Levee Plans by looking at the effects of each plan on environmental resources. The existing conditions described in Chapter 3 are used to compare what, if any, adverse future conditions the project would cause.

A project can cause direct, indirect, and cumulative effects on the environment. Direct effects result from the immediate actions taking place during the length of the project; for example, construction. Indirect effects such as growth and development are the result of project actions that are likely to occur later in time. Cumulative effects are changes to the environment that are caused by an action in combination with other past, present, and future human actions.

Cumulative Effects on Social and Economic Resources

No-Action Plan

Under the No-Action Plan Woodland and portions of Yolo County would continue to be threatened by floods with a greater than 1 in 20 chance of occurring in any given year. This would have social and economic implications; however, no other reasonably foreseeable past, present, or future projects are expected to contribute to a cumulative effect.

Lower Cache Creek Flood Barrier Plan

The LCCFB Plan provides substantial economic benefits to the city of Woodland and the county lands south of the flood barrier. Social and economic effects of this alternative plan result in a potential decrease in land value for the land west of the settling basin due to the reduced ability to grow tree crops. Potential cumulative effects would include future projects that would alter land use such that land values would decrease. However, as a general rule, both the City and County place a high value on socioeconomics when considering potential projects. Cumulative economic effects on the community are less than significant.

Modified Wide Setback Levee Plan

The setback levee alternative plan provides substantial economic benefits to the town of Yolo, the city of Woodland, and the majority of the unincorporated community south of the levee system. The land confined between the levees has the potential to lose value due to the inability to grow tree crops. A total of 32 homes and 182 farm support structures would need to be relocated. Potential cumulative effects would include future projects that would alter land use such that land values would decrease. However, as a general rule, both the city and county place a high value on socioeconomics when considering potential projects. Cumulative economic effects on the community are less than significant.

Cumulative Effects on Land Use

No-Action Plan

Under the No-Action Plan land uses would remain the same unless zoning laws are altered. There would be no cumulative effects as a result of this plan.

Lower Cache Creek Flood Barrier Plan

Land use effects include the conversion of 104 acres for flood control purposes. However, future loss of agricultural land should be protected by the City of Woodland's General Plan. The Plan adopts an urban limit line restricting development north of the flood barrier through the year 2020. Furthermore, the Policy Document envisions establishing a permanent urban limit line to "protect agricultural land in perpetuity" (City of Woodland, 1996). Development beyond the urban limit line requires annexation from Yolo County, as well as amending the City's General Plan and zoning maps. Yolo County General Plan policies (LU-20 and LU-21) also discourage residential uses of parcels in agriculturally designated areas. Though cumulative effects on land use designations are possible, the City of Woodland's urban limit line and Yolo County's agricultural land policy are protective of current land uses and discourage residential development in agricultural communities. Cumulative effects on land use are less than significant.

Modified Wide Setback Levee Plan

Land use effects include the conversion of 216 acres for flood control purposes. Additionally, 2,135 acres confined by the levees could potentially be converted from current uses depending on uneconomic remnant determination. However, future loss of agricultural land should be protected by the City of Woodland's General Plan. The Plan adopts an urban limit line restricting development to the north through the year 2020. Furthermore, the Policy Document envisions establishing a permanent urban limit line to "protect agricultural land in perpetuity" (City of Woodland, 1996). Development beyond the urban limit line requires annexation from Yolo County, as well as amending the City's General Plan and zoning maps. Yolo County General Plan policies (LU-20 and LU-21) also discourage residential uses of parcels in agriculturally designated areas. Though cumulative effects on land use designations are possible, the City of Woodland's urban limit line and Yolo County's agricultural land policy are protective of current land uses and discourage residential development in agricultural communities. Cumulative effects on land use are less than significant.

Cumulative Effects on Agriculture, Prime and Unique Farmlands

No-Action Plan

The potential for flooding during major storm events would remain the same under the No-Action Plan. The possibility of future rezoning of farmlands for development may decrease due to flood protection costs for developers; therefore, the No-Action plan has a beneficial effect on agriculture, and prime and unique farmland. The No-Action Plan would not have a cumulative effect on agriculture and farmland.

Lower Cache Creek Flood Barrier Plan

The flood barrier results in direct effects to agriculture, and prime and unique farmlands. The barrier directly adversely affects 100 acres of productive prime farmland and 2 acres of locally important farmland. Development within Yolo County has led to a cumulative loss of prime and unique farmlands. Between 1996 and 1998, approximately 1,000 acres of important farmland in Yolo County were converted to urban and built-up land uses (California Department of Conservation, 2002). An example of this conversion occurred south of the city of Woodland. According to the Woodland General Plan, constraints to growth to the north, west, and east has left the ability for growth only towards the south, where urban development on agricultural lands is now permitted. Future conversion of prime and/or locally important farmland within the project area should be protected due to the existence of the urban limit line which limits urban development from occurring on the agricultural lands north of Woodland city limits.

Although there are policies with goals to protect important farmlands, conversion still occurs. Therefore, the cumulative effect on prime and unique farmlands is considered significant.

Modified Wide Setback Levee Plan

The setback levee results in direct effects to agriculture and prime and unique farmlands. The levee directly adversely affects 158 acres of productive prime farmland and potentially indirectly affects 1,254 acres confined between the levees. Development within Yolo County has led to a cumulative loss of prime and unique farmlands. Between 1996 and 1998, approximately 1,000 acres of important farmland in Yolo County were converted to urban and built-up land uses (California Department of Conservation, 2002). An example of this conversion occurred south of the city of Woodland. According to the Woodland General Plan, constraints to growth to the north, west, and east have left the ability for growth only towards the south, where urban development on agricultural lands is now permitted. Future conversion of prime and/or locally important farmland within the project area should be protected due to the existence of the urban limit line which limits urban development from occurring on the agricultural lands north of Woodland city limits.

Although there are policies with goals to protect important farmlands, conversion still occurs. Therefore, the cumulative effect on prime and unique farmlands is considered significant.

Cumulative Effects on Transportation

No-Action Plan

Under the No-Action Plan, major flooding would continue to disrupt transportation routes. However this effect would not contribute to a cumulative effect on transportation.

Lower Cache Creek Flood Barrier Plan

The LCCFB Plan would produce a less-than-significant direct effect on transportation. Project-related traffic would not be substantial in relation to existing traffic load and capacity of the street system. Additionally, with mitigation, construction on roadways (road raising) is a less-than-significant effect. Potential cumulative effects could occur if other construction projects take place simultaneously. However, it is unlikely that construction activities would overlap and affect any particular roadway(s). The potential for combined construction-related traffic to affect roadways is further limited by the fact that the traffic increase would be temporary and would diminish as each segment of the project is completed. Therefore, the cumulative direct effects on transportation are considered less than significant.

The LCCFB Plan would produce a significant indirect effect on transportation. Construction of this alternative plan would result in approximately 3 weeks of flooding of CR 102 for floods that have greater than a 1 in 40 chance of occurring during any given year. There are no past, present, or foreseeable projects that have or would increase the depth and/or duration of flooding to the county roads in the project area. Therefore, the cumulative indirect effects on transportation are considered less than significant.

Modified Wide Setback Levee Plan

The Modified Wide Setback Levee Plan would produce a less-than-significant direct effect on transportation. Project-related traffic would not be substantial in relation to existing traffic load and capacity of the street system. Additionally, with mitigation, construction on roadways (bridge modification) is a less-than-significant effect. Potential cumulative effects could occur if other construction projects take place simultaneously. However, it is unlikely that construction activities would overlap and affect any particular roadway(s). The potential for combined construction-related traffic to affect roadways is further limited by the fact that the traffic increase would be temporary and would diminish as each segment of the project is completed. Therefore, the cumulative direct effects on transportation are considered less than significant.

Cumulative Effects on Noise

No-Action Plan

Under the No-Action Plan there would be no effects to noise; therefore, there would be no cumulative effects.

Lower Cache Creek Flood Barrier Plan

The LCCFB Plan results in temporary significant effects to sensitive noise receptors. To the extent that multiple projects are constructed simultaneously, there would be the potential for an increased number of receptors to be affected. However, it is unlikely that simultaneous construction of multiple projects would affect any single receptor. The potential for cumulative effects on noise is considered less than significant.

Modified Wide Setback Levee Plan

The Modified Wide Setback Levee Plan results in temporary significant effects to sensitive noise receptors. To the extent that multiple projects are constructed simultaneously, there would be the potential for an increased number of receptors to be effected. However, it is unlikely that simultaneous construction of multiple projects would affect any single receptor. The potential for cumulative effects on noise is considered less than significant.

Cumulative Effects on Air Quality

No-Action Plan

The No-Action Plan would not contribute to increases in air pollutants; therefore, there would be no cumulative effects.

Lower Cache Creek Flood Barrier Plan

Construction of the LCCFB Plan would produce a significant direct effect on air quality. The effect is short term; no notable long-term air pollutant emissions would

occur. To the extent that multiple projects are constructed simultaneously, there could be additional increases in pollutant emissions. Furthermore, YSAQMD is currently designated as a nonattainment area for ozone. While construction does not emit enough pollutants to trigger a conformity determination, the project would contribute to the existing high levels of ozone precursors. Therefore, the cumulative effects on air quality are considered significant.

Modified Wide Setback Levee Plan

Construction of the Modified Wide Setback Levee Plan would produce a significant direct effect on air quality. The effect is short term; no notable long-term air pollutant emissions would occur. To the extent that multiple projects are constructed simultaneously, there could be additional increases in pollutant emissions. Furthermore, YSAQMD is already designated as a nonattainment area for ozone. While construction does not emit enough pollutants to trigger a conformity determination, the project would contribute to the already high levels of ozone precursors. Therefore, the cumulative effects on air quality are considered significant.

Cumulative Effects on the Settling Basin

No-Action Plan

The No-Action Plan would not expose the settling basin to loading rates that would exceed the design capacity or alter the lifespan of the settling basin. There would be no cumulative effects from the No-Action Plan.

Lower Cache Creek Flood Barrier Plan

Qualitative analysis indicates that the flood barrier does not have a significant direct effect on sediment transport, scouring, or the lifetime of the settling basin. Ongoing bank stabilization, wetland and habitat restoration, and storm drainage projects would have a neutral effect on the integrity of the basin.

Modified Wide Setback Levee Plan

The setback system enhances flow capacity that potentially results in increased sediment movement and scouring in the basin. Current qualitative analysis shows that due to infrequency of major flood events, the life span of the settling basin would not be affected.

Cumulative Effects on Water Quality

No-Action Plan

Under the No-Action Plan, water quality would remain the same; therefore this plan would not contribute to a cumulative effect.

Lower Cache Creek Flood Barrier Plan

The RWQCB is concerned about activity in the Cache Creek watershed that could result in disturbance of mercury-contaminated sediments. Although future projects within the Cache Creek watershed, such as mining, could mobilize mercury-laden sediments and cause cumulative effects, analysis of the LCCFB Plan shows no significant increase in the net loading of contamination into the system. Therefore, the LCCFB plan would not have a cumulative affect on mercury-contamination and would have an insignificant affect to water quality overall. Wetland restoration, urban stormwater enhancements, and historic mine reclamation further protect water quality. The Joint Conjunctive Water Use Project would also increase groundwater quantity. The cumulative long-term water quality effects are considered beneficial.

Modified Wide Setback Levee Plan

The RWQCB is concerned about activity in the Cache Creek watershed that could result in disturbance of mercury-contaminated sediments. Although future projects within the Cache Creek watershed, such as mining, could mobilize mercury-laden sediments and cause cumulative effects, analysis of the Modified Wide Setback Levee Plan shows no significant increase in the net loading of contamination into the system. Therefore, the Modified Wide Setback Levee plan would not have a cumulative affect on mercury-contamination and would have an insignificant affect to water quality overall. Wetland restoration, urban stormwater enhancements, and historic mine reclamation further protect water quality. The Joint Conjunctive Water Use Project would also increase groundwater quantity. The cumulative long-term water quality effects are considered beneficial.

Cumulative Effects on Vegetation and Wildlife

No-Action Plan

Under the No-Action Plan future repairs to the existing levee system are anticipated. This would affect vegetation and wildlife; however, current regulations require mitigating effects to a less-than-significant level. These regulations have and would apply to all past, present, and future projects; therefore, there should be no cumulative effects as a result of the No-Action Plan.

Lower Cache Creek Flood Barrier Plan

The LCCFB Plan adversely affects wildlife and its associated habitats. However, implementing all mitigation requirements minimizes effects to a less-than-significant level. Wetland and habitat restoration, invasive weed removal, and historic mine reclamation all incrementally reduce adverse effects. Full restoration requires the element of time to fully compensate for degraded habitat and species destruction.

Modified Wide Setback Levee Plan

The Modified Wide Setback Levee Plan adversely affects wildlife and its associated habitats. However, implementing all mitigation requirements minimizes effects to a less-than-significant level. Wetland and habitat restoration, invasive weed removal, and historic mine reclamation all incrementally reduce adverse effects. Full restoration requires the element of time to fully compensate for degraded habitat and species destruction.

The Modified Wide Setback Levee Plan provides an opportunity for other parties to restore habitat lost due to agricultural activities.

Cumulative Effects on Special-Status Species

No-Action Plan

Under the No-Action Plan future repairs to the existing levee system are anticipated. This would affect special-status species; however, current regulations require mitigating effects to less-than-significant level. These regulations have and would apply to all past, present, and future projects; therefore, there should be no cumulative effects as a result of the No-Action Plan.

Lower Cache Creek Flood Barrier Plan

Direct effects on special-status species would occur due to the LCCFB Plan. A Section 7 consultation with the USFWS would be required to develop conservation measures that minimize effects to a less-than-significant level. Agricultural land preservation potentially creates beneficial habitat for special-status species.

Modified Wide Setback Levee Plan

Direct effects on special-status species would occur due to the Modified Wide Setback Levee Plan. A Section 7 consultation with the USFWS would be required to develop conservation measures that minimize effects to a less-than-significant level. Agricultural land preservation potentially creates beneficial habitat for special-status species.

Cumulative Effects on Cultural Resources

No-Action Plan

Under the No-Action Plan, future floods may affect cultural resources. This in combination with other past, present, and reasonably foreseeable future projects may have a cumulative effect on cultural resources by continuing to degrade historical buildings and archaeological sites.

Lower Cache Creek Flood Barrier Plan

Known historic structures south of the flood barrier would be protected from flood damage. Some archeological sites and historic structures north of the barrier could be subject to greater flood damage. Direct and indirect effects from the LCCFB Plan are considered less than significant. It is unknown whether future projects would affect cultural resources; a records search would need to be completed for each project in order to identify cultural and historic resources. With the use of BMP's and adherence to permit requirements, cumulative effects on cultural resources are considered less than significant.

Modified Wide Setback Levee Plan

Archeological sites and historic structures eligible for the NHRP could be adversely affected by this alternative plan. Unrecorded sites inside the levees could be eroded. With mitigation, direct and indirect effects from the Modified Wide Setback Levee Plan are considered less than significant. It is unknown whether future projects would affect cultural resources; a records search would need to be completed for each project in order to identify cultural and historic resources. With the use of BMP's and adherence to permit requirements, cumulative effects on cultural resources are considered less than significant.

Cumulative Effects on Esthetic and Visual Resources

No-Action Plan

Under the No-Action Plan, the existing levee system would remain in place. Future O&M may remove vegetation including large trees that provide part of the visual character of Cache Creek. However, this effect would be less than significant because these actions are already a part of the existing levee system O&M. In combination with other past, present, and reasonably foreseeable future projects, there would be no cumulative effect on visual resources as a result of the No-Action Plan.

Lower Cache Creek Flood Barrier Plan

The flood barrier would allow the completion of the City's development plans, changing visual character of the eastern portion of Woodland from agricultural fields to residential and industrial warehouse-type structures. The visual character of the agricultural lands to the north would not be affected except for the presence of the flood barrier structure. The LCCFB would have a significant cumulative effect on the visual character of the eastern portion of Woodland by allowing continued industrial and urban development.

Modified Wide Setback Levee Plan

Due to the County General Plan protecting agricultural lands, there are no proposed projects that would change the visual character of the unincorporated

community. The city's visual character would change as under the LCCFB Plan; therefore, this plan would also have significant cumulative effects on visual resources.

Summary of Cumulative Effects

Project-related effects on resources can only be considered cumulatively significant if they are first found to be significant at the project level. Listed below are those resources for the LCCFB and Modified Wide Setback Plans that would be considered significantly affected due to the proposed project, and would further be considered cumulatively significant because of additional effects from past, present, or foreseeable future projects.

No-Action Plan

The No-Action Plan does not present any cumulative effects, with the exception of cultural resources. Cultural resources may be affected by future floods, the destruction of historic buildings by landowners, and the continued degradation of archaeological sites by farmers and construction.

Lower Cache Creek Flood Barrier Plan

The effects on prime and unique farmlands, air quality, and visual resources are considered cumulatively significant. Past projects have lessened the quantity/quality of these resources and present projects continue to do so as well. Currently there is no mitigation requirement for the loss of farmland. For air quality, mitigation measures in the form of stricter regulations could reduce the potential for continued adverse effects during future projects. There is also no mitigation requirement for cumulative effects to visual resources.

The cumulative effects on water quality were found to be beneficial. Increased awareness of the importance of water quality has resulted in more projects, which target the improvement of this resource.

Modified Wide Setback Levee Plan

The effects on prime and unique farmlands, air quality, and visual resources are considered cumulatively significant. Past projects have lessened the quantity/quality of these resources and present projects continue to do so as well. Currently there is no mitigation requirement for the loss of farmland. For air quality, mitigation measures in the form of stricter regulations could reduce the potential for continued adverse effects during future projects. There is also no mitigation requirement for cumulative effects to visual resources.

The cumulative effects on water quality were found to be beneficial. Increased awareness of the importance of water quality has resulted in more projects which target the improvement of this resource.

5.3 Growth-Inducing Effects

The growth-inducing section of this Draft EIS/EIR is required by CEQA. According to CEQA Guidelines, a growth-inducing effect is one that could foster economic or population growth, or directly or indirectly bring about construction of additional housing in the surrounding environment (Section 15126(g)). This section addresses existing population growth and densities in the project area and examines existing and with-project growth-inducing conditions.

5.3.1 No-Action Plan

The purpose of the No-Action Plan is to describe the changes expected in the project area over the period of analysis used for this study, assuming a long-term flood protection project is not built. These conditions serve as the base against which alternative flood protection plans are evaluated to determine their effectiveness and to identify effects that would result from them.

The city of Woodland is expecting continued growth of approximately 1.7 percent per year until population buildout in 2020. This population growth is expected to continue without a flood damage reduction project. No additional growth or development would occur beyond what is planned in the Woodland General Plan as a result of the No-Action Plan.

5.3.2 Alternative Plans

Lower Cache Creek Flood Barrier Plan

Construction of the flood barrier would allow development plans up to the urban limit line to be realized. All properties north of the flood barrier would be developed in accordance with the County's General Plan, land use designations, and zoning regulations. In addition, all development would need to comply with environmental laws and regulations and would require approval by local authorities.

With a flood damage reduction project in place, growth would still continue at approximately 1.7 percent per year until population buildout in 2020. No additional growth or development would occur beyond what is planned in the Woodland General Plan as a result of the LCCFB Plan.

Modified Wide Setback Levee Plan

The city of Woodland would develop to its city limits as is currently planned for in the Woodland General Plan. The setback levee system would remove the unincorporated community north and south of the new levee system from the FEMA 100-year flood plain. Although currently zoned as agricultural, elimination of the flood plain designation from the lands north of the city of Woodland could attract pressure for development and further reduction of farmland. However, the City of Woodland's 1996 General Plan confines development within well-protected urban limit line boundaries. The urban limit line was promulgated in 1979 and has continued to direct growth along

the extension of Churchill Downs since that time. Additionally, according to the Yolo County General Plan, "All commercial and industrial uses are prohibited in the agricultural area except those directly related to and incidental to the agricultural operation conducted on the land…" Future development would require rezoning by both the City of Woodland and Yolo County, an action that would be independent of this project. As such, the Modified Wide Setback Levee Plan would not induce growth and development.

5.4 Significant Adverse Effects Which Cannot Be Avoided if the Plan is Implemented

The CEQA Guidelines state that any significant environmental effects that cannot be avoided if the proposal is implemented must be described. This description extends to those significant effects that can be mitigated, but not reduced to a level of insignificance. Additionally, the reasons why the project is being proposed, notwithstanding their effect, should be described.

The Lower Cache Creek Flood Barrier and Modified Wide Setback Levee Plans would have significant unavoidable effects on the following five resources. The alternative plans' benefits do not reduce effects to less than significant, but are considered in the analysis of the overall environmental and economic feasibility of the project. A flood control structure would reduce damage (potential loss of property and life) associated with significant flooding.

Land Use

A total of 104 acres would be converted for flood control purposes under the LCCFB Plan; 216 acres would be converted for flood control purposes under the Modified Wide Setback Levee Plan. This loss of farmland and riparian habitat cannot be mitigated. Although a loss occurs under both plans, the tentatively recommended plan, the LCCFB Plan, would result in a lesser effect.

Agriculture, Prime and Unique Farmland

Close to 100 percent of the farmland in this project area is considered prime farmland. The flood barrier would result in a loss of 100 acres of prime farmland and 2 acres of statewide important/locally important farmland. The setback levees would result in a loss of 158 acres of prime farmland. The conversion of prime and statewide important farmland represents a significant effect that cannot be mitigated since the qualities that distinguish prime farmland cannot be re-created. Although a loss occurs under both plans, the recommended plan, the LCCFB Plan, would result in a lesser effect.

Air Quality

Due to construction, NO_X and PM_{10} emissions would exceed air quality standards, therefore creating a temporary significant effect that could not be mitigated to less-than-significant levels. Both alternative plans would produce pollutant emissions above significance thresholds.

Noise

Due to construction, noise levels would be considered significant at sensitive noise receptors located near the construction corridors. Both alternative plans would temporarily produce noise levels above significance thresholds.

Esthetic and Visual Resources

The levees would create a new linear feature and a viewblock to numerous residences. The levees would be reseeded; however, this would not reduce the effect to less than significant.

5.5 Relationship Between Local Short-Term Uses of the Environment and Maintenance of Long-Term Productivity

This section summarizes the relationship between short-term uses of the environment and the maintenance and enhancement of long-term productivity of the affected resources for the LCCFB and Modified Wide Setback Levee Plans. At issue is whether short-term effects are counterbalanced by long-term effects. The discussion of effects should include effects that narrow the range of beneficial uses of the environment or pose long-term risks to health and safety.

Both alternative plans implement flood control measures that involve building new levees, culverts, and other flood control structures. Industrial and site-specific resources comprise two categories of short-term effects: (1) affected general industrial resources are capital, labor, fuels, and construction materials; and (2) undeveloped land, prime soils, and agricultural crops comprise site-specific resources. The commitment of general industrial and site-specific resources must be compared with the long-term benefits provided by the Lower Cache Creek Potential Flood Damage Reduction Project.

General industrial resource commitment is largely irreversible since most of the construction material is unsalvageable. The capital required is lost to investment, and the labor and fuel used in the construction and operation of the project are irretrievable. The site-specific resources are long term for the life of the project and beyond.

Benefits include flood control and reduction of potential flood-related loss of resources, property, and human life. The environmental uses of these areas would not change, and habitat for a variety of species would still exist in the creek, levees, and streambanks. There are no adverse effects that would pose a long-term risk to health and safety.

The need for additional flood protection in the project area has been documented in the Feasibility Report and Chapter 1 of this Draft EIS/EIR. A full range of alternative plans were considered, and the LCCFB and Modified Wide Setback Levee Plans produce economic benefits in excess of project costs. It can be concluded that alternative plans for flood control would be feasible and that a project should be implemented soon to avoid the risk of future flooding, loss of life, and adverse economic effects.

5.6 Significant Irreversible Environmental Changes Associated with the Project

In accordance with the CEQA Guidelines (Sections 21083 and 21087), this section discusses any irreversible and irretrievable commitment of resources that would be involved in the LCCFB and Modified Wide Setback Levee Plans. Significant irreversible environmental changes are defined as uses of nonrenewable resources during the initial and continued phases of the alternative plans which may be irreversible since a large commitment of these resources makes future removal of nonuse unlikely.

The primary irreversible commitment of resources associated with the project alternative plans would be the permanent change in land use associated with levee construction. This land would become part of the flood control levee system providing flood protection to the project area.

Construction activities would involve the consumption of nonrenewable natural resources such as the soil, cement, and bentonite slurry mixture and petroleum for fuel. The resources used in site preparation, construction material transportation, borrow material transportation, fill material transportation, excavation, and disposal of excess excavated materials would be permanently committed to the project alternatives. In addition, the non-Federal sponsor would use petroleum for fuel in the continued operation and maintenance of the completed project. However, since the consumption or use of nonrenewable resources is relatively low for the project alternative plans, no significant adverse effects are expected.

Cultural resources are nonrenewable. Any destruction or loss of historical structures/sites could not be replaced. With good use of BMP's, the effect on cultural resources as a nonrenewable resource should be limited.

5.7 Mitigation and Environmental Monitoring

This section discusses the mechanisms needed to ensure that the mitigation measures identified in Chapter 4 would be accomplished. These measures consist of habitat improvements, best management practices, and other actions to reduce, minimize, and/or compensate for project-related effects. According to Section 21080 of the Public Resources Code, the public agency is required to adopt a reporting or monitoring program for the changes made to the project or conditions of a project. A project-wide mitigation plan would be created by the lead agency after an alternative plan is selected but prior to construction commencement.

Project-related effects associated with construction such as temporary effects due to transportation, noise, air quality, and water quality would be mitigated by use of BMP's implemented during construction. No long-term monitoring is needed for BMP's. Monitoring, however, would be required for mitigation measures to be conducted after construction such as creating additional habitat areas (to be outlined by resource agencies).

Mitigation would be an authorized project feature and would be included in the cost sharing by the Federal Government and the project's non-Federal sponsor. In

accordance with Section 906 of the Water Resources Development Act of 1986, mitigation for direct project effects would be accomplished prior to or concurrent with construction.

5.7.1 U.S. Fish and Wildlife Service Recommendations and Corps Responses

The following USFWS' recommendations are outlined in the Draft CAR. The Corps' response follows each recommendation in italics.

General

- Since the impacts to endangered and threatened species have not yet been determined, a recommendation of the least biologically damaging alternative cannot be made.

  A preliminary determination based on data gathered for completion of the EIS/EIR has led to the identification of the LCCFB as the least environmentally damaging plan.

- Determine the potential impacts of the project on listed and proposed species, and/or critical habitat, pursuant to section 7 of the Endangered Species Act. Consultation should be completed with the Service, NMFS, and California DFG.

  A preliminary determination of the potential effects of the project was completed for the EIS/EIR. The Corps will submit a biological assessment along with the Draft EIS/EIR and Feasibility Report requesting the USFWS and NMFS to initiate formal consultation.

- Avoid impacts to woody vegetation at all construction sites, staging areas, borrow sites, and haul routes by fencing them with orange construction fencing.

  The Corps would avoid construction effects to woody vegetation as much as feasible by having the construction contractor fence the vegetation with orange construction fence. Woody vegetation that would be removed due to levee construction or removal would be mitigated.

- Minimize impacts to trees along the construction area by having all trimming performed by a qualified arborist. This measure should be taken to ensure tree survival after the project.

  The Corps would have a qualified arborist perform all tree trimming activities to ensure tree survival after the project.

- Minimize impacts to ruderal grassland by reseeding all disturbed areas with appropriate native grass and forb species when construction is complete.

The Corps would ensure that the construction contractor mitigates for all disturbed ruderal grassland areas by reseeding with native grasses and forbs after the completion of construction activities.

- Develop a mitigation and remediation plan for each of the compensation sites developed for the project.

  The Corps would develop a plan that addresses mitigation and remediation for each of the compensation sites for this project. This plan would be developed in the PED phase of this project.

- Conduct nest surveys prior to the removal of any trees or scrub shrub to ensure migratory birds would not be lost during construction, pursuant to the Migratory Bird Treaty Act.

  The Corps would have a qualified biologist conduct nest surveys before the removal of any trees or scrub shrub in order to comply with the Migratory Bird Treaty Act.

Alternative 2, Flood Barrier Plan

- Ensure culverts under the haul road in the settling basin are designed to facilitate fish passage.

  The Corps would use the "Guidelines for Salmonid Passage at Stream Crossings," (September, 2001) *to ensure that any haul road culverts facilitate fish passage in accordance with NMFS guidelines.*

- Compensate for impacts to scrub shrub by replanting the affected area plus an additional 0.03 acre.

  The Corps proposes to develop 0.03 acre of scrub shrub as mitigation for project-related effects.

- Compensate for the loss of individual trees and ruderal grassland by acquiring suitable lands and developing 3.41 acres in a combination of woodland and grassland habitats.

  The Corps proposes to develop 2.89 acres of woodland as mitigation for project-related effects. The Corps proposes to mitigate for the loss of 0.52 acre of grassland by covering riprap with soil and reseeding the affected area.

- Revegetate borrow, staging, turn-arounds, and any other disturbed areas with native grasses and forbs.

  The Corps would have its construction contractors revegetate all disturbed areas with native grasses and forbs after the completion of construction.

- Determine impacts this alternative would have on the hydrology of the settling basin.

  During the feasibility phase, preliminary studies were conducted to determine both the hydrologic and hydraulic effects of the proposed flood barrier on the settling basin. Results of these studies are included in the text and appendixes of the main feasibility report. Additional detailed studies are planned during the design phase of the study to further refine the results.

Alternative 3, Setback Levee Plan

- Avoid the use of riprap along the creek channel as much as possible.

  The Corps has altered its setback levee plan design such that riprap within the creek channel is kept to a minimum. Future design modifications would continue to avoid riprap within the creek channel as much as possible.

- Avoid impacts to Cache Creek's water quality by taking appropriate measures to prevent construction materials (fuels, oils, and lubricants) from spilling or otherwise entering the creek.

  The Corps would comply with all water quality permit conditions including the development of a stormwater pollution prevention plan, an erosion control plan, and a Hazardous Substance Control and Emergency Response Plan.

- Compensate for the loss of 1,176 orchard trees by replanting 1,764 native riparian tree species on 16.2 acres. These plantings should be located immediately adjacent to the existing riparian vegetation.

  The Corps is working with the USFWS to address this concern. Applicability of this recommendation to the project would be based upon the outcome of the discussions between the Corps and USFWS.

- Fish and wildlife benefits with this alternative could be realized with additional projects and other agencies if coordination is established early. The Corps should coordinate with agencies such as the Cache Creek Conservancy or Calfed with the hope that they could add benefits to the fish and wildlife resources by restoring the newly enlarged channel. Restoration could include removal of exotic plant species, contouring the stream channel to provide a mosaic of cover types, and revegetation with native riparian species.

  The Corps acknowledges this recommendation and would further consider it should the setback levee plan be chosen for construction.

5.7.2 Mitigation

Table 5-1 summarizes specific actions to be taken to implement each mitigation measure, information on monitoring requirements, and the timing of the implementation.

The following plans would be incorporated into mitigation and are described in detail in Section 5.7.3: traffic management plan, dust suppression plan, stormwater pollution prevention plan, and hazardous substance control and emergency response plan.

Table 5-1. Summary of Mitigation and Monitoring Requirements

Effect	Mitigation Measure	Implementation Actions/ Responsible Party	Monitoring Requirements	Timing of Action
Social and Economic Resources				
Flood-induced affected lands.	Flowage easements would be acquired for lands that would receive significant project-induced effects.	Lead agencies to determine if flowage easements are necessary and if so, what compensation is required.	Local agencies.	Before construction.
Flood-induced affected structures.	Flood proofing measures would be taken such as raising structures or building ring levees to prevent significant project-induced effects.	Lead agencies to instruct contractor as to which structures require flood proofing.	Local agencies.	During construction.
Transportation				
Temporary effects due to construction.	All personnel would be trained prior to starting work on best management practices and would conduct work consistent with the BMP's.	Lead agencies to provide a traffic management plan outlining BMP's and training of project personnel.	Lead agencies would review and approve traffic management plan; lead agencies to perform site visit to review compliance.	Before and during construction.
Noise				
Temporary effects due to construction.	All personnel would be trained prior to starting work on best management practices and would conduct work consistent with the BMP's.	Lead agencies to provide BMP's.	Local agencies.	Before and during construction.
Air Quality				
Temporary effects due to construction.	All personnel would be trained prior to starting work on best management practices and would conduct work consistent with the BMP's.	Lead agencies to provide dust suppression plan to YSAQMD and incorporate NO_x reduction measures into construction plans.	Local agencies.	Before and during construction.

Table 5-1. Summary of Mitigation and Monitoring Requirements

Effect	Mitigation Measure	Implementation Actions/ Responsible Party	Monitoring Requirements	Timing of Action
Water Quality				
Effects due to construction.	All personnel would be trained prior to starting work on best management practices and would conduct work consistent with the BMP's.	Lead agencies to provide BMP's.	RWQCB	Prior to and during construction.
Vegetation and Wildlife				
Temporary Effects due to construction.	Recommended BMP's are listed in Section 5.7.3.	Lead and Resource agencies to provide construction guidelines and BMP's.	A biological resources specialist would be available.	Prior to and during construction.
Project-related effects.	Mitigation for habitat loss has been outlined by the USFWS in its Draft Coordination Act Report (CAR). Recommended mitigation is listed in Section 5.7.3.	A finalized CAR would be provided by the USFWS.	USFWS.	Prior to, during, and post-construction.
Special-Status Species				
Temporary effects due to construction.	Section 5.7.3 outlines conservation measures. Additional incidental take conditions for effects to special-status species would be determined through Section 7 consultation with the USFWS and NMFS and outlined in their Biological Opinions.	Consultation would be initiated with the USFWS.	A biological resources specialist would be available.	Prior to and during construction.
Project-related effects.	Section 5.7.3 outlines conservation measures. Additional incidental take conditions for effects to special-status species would be determined through Section 7 consultation with the USFWS and NMFS and outlined in their Biological Opinions.	Consultation would be initiated with the USFWS.	USFWS.	Prior to, during, and post-construction.
Cultural Resources				
Temporary effects due to construction.	All personnel would be trained prior to starting work on best management practices and would conduct work consistent with the BMP's.	Lead agencies to provide BMP's.	A cultural resource specialist would be available.	Before and during construction.

Table 5-1. Summary of Mitigation and Monitoring Requirements

Effect	Mitigation Measure	Implementation Actions/ Responsible Party	Monitoring Requirements	Timing of Action
Esthetic and Visual Resources				
Effects due to construction.	Mitigation measures would include reseeding new levees.	Reseeding of levees would be required as mitigation under water quality and vegetation and wildlife as well. Implementation would be the responsibility of the lead agencies.	Local agencies.	Before construction.

5.7.3 Best Management Practices

The practices listed as best management practices (BMP's) for each category below have been found to be representative of the types of practices that can be applied successfully to reduce effects to the greatest extent.

Transportation

- Lead agency to provide traffic management plan.
- Contractors would avoid public roads as much as possible when hauling materials to the construction site.
- Traffic would be rerouted when necessary to avoid construction areas.
- Flaggers would be stationed to slow or stop approaching vehicles to avoid conflicts with construction vehicles or equipment.

Noise

- Construction equipment would be outfitted and maintained with noise-reduction devices such as mufflers.
- Construction would be limited to daytime hours.

Air quality

- Lead agency to provide dust suppression plan. Plan would likely include the measures listed below.

- All construction areas, unpaved access roads, and staging areas would be watered as needed when soil is dry.

- All trucks hauling soil or other loose material would be covered or have at least 2 feet of freeboard. Construction vehicles would use paved roads to access the construction site wherever possible.

- Vehicle speeds would be limited to 15 mph on unpaved roads and construction areas, or as required to control dust.

- Streets would be cleaned daily if visible soil material is carried onto adjacent public streets.

- Exposed stockpiles of soil and other excavated materials would be enclosed, covered, and watered twice daily as needed.

- Vegetation would be replanted in disturbed areas as quickly as possible following the completion of construction.

Water Quality

- The lead agency would prepare a stormwater pollution prevention plan. A portion of this plan would specifically address erosion and sediment control.

- Construction crews would install erosion controls such as hay bales, water bars, covers, sediment fences, and sensitive-area access restrictions where necessary and appropriate before initiating extensive clearing and grading.

- The lead agency would prepare a Hazardous Substance Control and Emergency Response Plan.

- The lead agency would comply with all Section 404 requirements.

Vegetation and Wildlife

- Limiting construction crews to the right-of-way and confinement of disturbance to as small an area as possible;

- Requiring construction crews to maintain a 15-m.p.h. speed limit on all unpaved roads to reduce the chance of wildlife being mortally wounded if struck by construction equipment;

- Avoidance of effects to Cache Creek's water quality by taking appropriate measures to prevent construction materials (fuels, oils, and lubricants) from spilling or otherwise entering the creek;

- Avoidance of effects to woody vegetation at all construction sites, staging areas, borrow sites, and haul routes by fencing them with orange construction fencing;

- Minimization of effects to trees along the construction area by having all trimming performed by a qualified arborist to ensure tree survival after the project;

- Conducting of nest surveys prior to the removal of any trees or scrub shrub to ensure migratory birds would not be lost during construction, pursuant to the Migratory Bird Treaty Act; and

- Revegetation of borrow, staging, turn-arounds, and any other disturbed areas with native grasses and forbs.

- Development of a mitigation and remediation plan for the project by the lead agency.

Special-Status Species

The conservation measures for the giant garter snake include those taken from the "Programmatic Formal Consultation for U.S. Army Corps of Engineers 404 Permitted Projects with Relatively Small Effects on the Giant Garter Snake within Butte, Colusa, Glenn, Fresno, Merced, Sacramento, San Joaquin, Solano, Stanislaus, and Yolo Counties, California," (November 13, 1997). Measures include:

- Seasonal restrictions (construction from May 1 to October 1 only) to avoid overwintering giant garter snakes;

- Ensuring that dewatered habitat remains dry for at least 15 consecutive days after April 15 and prior to excavation or filling;

- An environmental awareness program for construction workers;

- Avoidance of giant garter snake identified during completion of pre-construction surveys 24 hours prior to commencement of construction by a qualified biologist, who would remain available thereafter to provide additional services should a snake be encountered during construction;

- Halting of all construction activities within the area should a giant garter snake be encountered during construction until the snake has had time to move away from the area;

- Confinement of construction activities to the minimal area necessary to facilitate construction;

- Flagging and avoidance of areas that would not be affected by construction and are designated Environmentally Sensitive to the giant garter snake;

- Restoration of all riprap areas to upland habitat by placing at least an 18- to 24-inch layer of soil over the rock and reseeding the area with native grasses and forbs; and

- Compensation of lost habitat according to ratios agreed upon by the Corps and the USFWS.

Conservation measures for chinook salmon and steelhead are based on the recommendations outlined in the "Guidelines for Salmonid Passage at Stream Crossings," (September, 2001). In addition to guidance specific to culverts, the following general conservation measures would be observed (the final determination of specific conservation measures would be determined during consultation with NMFS):

- Minimization of erosion and sediment delivery through the use of erosion control devices such as hay bales, water bars, covers, and sediment fences where necessary and appropriate;

- Restriction of access to sensitive-areas to minimize streamside habitat effects;

- Installation of culverts in a de-watered site with a sediment control and flow routing plan;

- Use of pumps with fish screens to dewater the site; and

- Restoration of the affected area to pre-project conditions including reseeding using locally native riparian and other vegetation.

Conservation measures for Swainson's hawks would include:

- Replacement of non-native trees at a 1:1 ratio and native trees at a 5:1 ratio.

- Avoidance of hawks identified during pre-construction surveys conducted according to Swainson's Hawk Technical Advisory Committee guidelines (2000); and

- Prohibition of construction activities within one-half mile of a nesting hawk until young fledge.

The following conservation measures for the valley elderberry longhorn beetle include those taken from the "Conservation Guidelines for the Valley Elderberry Longhorn Beetle," (July 9, 1999). Measures include:

- All areas to be avoided during construction activities would be fenced at 100-feet from the dripline of each elderberry plant;

- Signs would be erected along the edge of the avoidance area designating the area as environmentally sensitive for the valley elderberry longhorn beetle;

- An environmental awareness program for construction workers; and

- Compensation of lost habitat according to ratios agreed upon by the Corps and the USFWS.

These conservation measures for the giant garter snake would provide sufficient conservation measures for the northwestern pond turtle.

Cultural Resources

- If previously unidentified cultural materials and/or features are discovered during construction, all work in the immediate area would cease, and a cultural resources specialist would be immediately contacted for identification and evaluation.

- If the materials and/or features are determined to be significant and cannot be avoided, a site-specific mitigation plan would be prepared in consultation with interested parties and the SHPO.

- If human remains were encountered, a cultural resources specialist and county coroner would be contacted in compliance with State law.

5.7.4 Monitoring

CEQA guidelines require the public agency to produce a monitoring plan to ensure that the mitigation measures are accomplished (Public Resources Code Section 21081.6, AB 3180 [1988]). The monitoring plan for the selected alternative would include recommendations from resource agencies.

5.8 Compliance with Applicable Laws, Policies, and Plans

The relationship of the selected plan to applicable Federal, State and local environmental requirements is outlined below. The status of compliance of the flood damage reduction study for each law and Executive Order is outlined in Table 5-2 at the end of Section 5.8.

5.8.1 Federal Requirements

National Environmental Policy Act (42 U.S.C. 4321 et seq.)

This Draft EIS/EIR was prepared pursuant to regulations implementing NEPA (42 U.S.C. 4321 *et seq.)*. NEPA ensures that Federal agencies would consider the environmental effects of their actions. It also requires that an EIS be included in every recommendation or report on proposals for legislation and other major Federal actions significantly affecting the quality of the human environment. This Draft EIS/EIR

provides detailed information regarding the No-Action Plan, the Lower Cache Creek Flood Barrier Plan, and the Modified Wide Setback Levee Plan. The analysis describes the environmental effects of each alternative plan, potential mitigation measures, and adverse environmental effects that cannot be avoided. The final EIS/EIR provides responses to public comments on the Draft EIS/EIR. A Record of Decision would complete the environmental documentation required by the act.

National Historic Preservation Act of 1966, as amended (16 U.S.C. 470 et seq.), Historic and Archeological Resources Protection Act (16 U.S.C. 470AA et seq.), Protection of Historic Properties (36 CFR 800), Abandoned Shipwreck Act (43 U.S.C. 2101 et seq.)

These acts and regulations require Federal agencies to take into account the effects of Federal undertakings on historical and archeological resources. Under these requirements, the APE of the selected project must be inventoried and evaluated to identify historical and archeological properties that have been placed on the NRHP and those that the agency and the SHPO agree are eligible for listing on the National Register. If the project is determined to have an effect on such properties, the agency must consult with the SHPO and the Advisory Council on Historic Preservation to develop alternatives or mitigation measures.

No archeological surveys of the APE have been conducted. Prior to the initiation of construction, an updated records check and field surveys would be conducted as stipulated in an executed PA. If additional cultural resources be identified during field surveys, evaluations and effect determinations would be made in accordance with the Section 106 review process.

Clean Air Act (42 U.S.C. 1857 et seq. (1990), as amended and recodified, 42 U.S.C. 7401 et seq. *SUPP II 1978)

Section 4 of this Draft EIS/EIR discusses the project's effects on local and regional air quality. The section discusses the issues relative to the project's compliance with YSAQMD significance criteria and U.S. EPA's adopted *de minimis* thresholds in its general conformity rule. Since the project would not exceed conformity thresholds, a conformity determination would not be required.

Water Resources Development Act of 1986, Section 906, Fish and Wildlife Mitigation (33 U.S.C 2201 et seq.)

After consultation with appropriate Federal and non-Federal agencies, the Secretary of the Army is authorized to mitigate damages to fish and wildlife resulting from any water resources project under his jurisdiction, whether completed, under construction, or to be constructed. Projects must include a recommendation with a specific plan for mitigating fish and wildlife losses created by the project, or a determination by the Secretary that such projects have no negligible adverse effects on fish and wildlife.

Mitigation is a component of both the LCCFB and Modified Wide Setback Levee Plans to compensate for any damages the project would cause. A detailed mitigation plan would be developed once Section 7 consultation with the USFWS and NMFS has been completed and conservation requirements have been finalized.

Clean Water Act (33 U.S.C. 1251 et seq. (1976 & Supp II 1978))

The purpose of this statute is to "restore and maintain the chemical, physical, and biological integrity of the Nation's waters" through prevention, reduction, and elimination of pollution. The project must comply with the Federal Clean Water Act, including Section 404, when project construction requires the placement of fill material into the Waters of the United States.

The project proposes to place fill within the Waters of the U.S.; therefore, a 404(b)(1) evaluation is required. This evaluation has been completed and provided as an appendix to this document. All work within the Water of the U.S. would comply with Nationwide Permits 13, 14, 31, and 33 where applicable. Where not applicable additional Section 404 requirement would be met.

Endangered Species Act (16 U.S.C. 1531 et seq.)

Section 7 of the ESA requires Federal agencies, in consultation with the Secretary of the Interior, to ensure that their actions do not jeopardize the continued existence of endangered or threatened species, or result in the destruction or adverse modification of the critical habitat of these species. A list of threatened and endangered species relating to this project was obtained from USFWS on August 13, 2001. An updated species list (March 26, 2002) was provided by the USFWS as an appendix to its draft CAR. A biological assessment was prepared, indicating that special-status species potentially affected by the proposed project are the following species: (1) giant garter snake (*Thamnophis gigas)*, (2) valley elderberry longhorn beetle (*Desmocerus californicus dimorphus)* (3) palmate-bracted bird's beak (*Cordylanthus palmatus)*, (4) Central Valley chinook salmon, and (4) Central Valley steelhead. This biological assessment will be transmitted to the USFWS concurrent with the release of the DEIS/EIR to the public and agencies for review. Informal consultation with USFWS has been initiated. Formal consultation will be requested through the biological assessment. Conservation measures for special status species are described in Section 4.12.4 and Section 5.7.3.

Federal Water Project Recreation Act (16 U.S.C. 460L-5, 460L-12 et seq., and 662)

This act requires Federal projects to consider features that would lead to enhancement of recreational opportunities. Existing recreational opportunities are discussed in Section 3.2.4. To date, the non-Federal sponsor has not expressed interest in developing recreational facilities as part of this project.

Fish and Wildlife Coordination Act (16 U.S.C. 661 et seq.)

This act requires Federal agencies to consult with the USFWS and State fish and game agencies before undertaking projects that control or modify surface water (water projects). This consultation is intended to promote the conservation of wildlife resources by preventing loss of or damage to fish and wildlife resources and to provide for the development and improvement of fish and wildlife resources in connection with water projects. The USFWS and DFG are authorized to conduct necessary surveys and investigations to determine the possible damage to resources and to determine measures to prevent such losses. Representatives of the Corps participated in these studies. The USFWS has prepared a draft Coordination Act Report, which is included in Appendix A. The results of the USFWS HEP analysis are contained within the draft Coordination Act Report.

Migratory Bird Treaty Act (16 U.S.C. 703 et seq.)

The Migratory Bird Treaty Act of 1918 is the domestic law that affirms, or implements, the U.S.'s commitment to four international conventions (with Canada, Japan, Mexico, and Russia) for the protection of a shared migratory bird resource. Each of the conventions protects selected species of birds that are common to both the U.S. and one or more of the countries. (They occur in both countries at some point during their annual life cycle.)

Conservation measures to aid in project compliance with the Migratory Bird Treaty Act are described in Section 4.10.4 and Section 5.7.3.

Federal Agriculture Improvement and Reform Act of 1996 and 1985 Food Security Act (7 U.S.C 7201 et seq.; 7 U.S.C 1631 et seq.)

The Federal Agriculture Improvement and Reform Act of 1996, also known as the 1996 Farm Bill, includes conservation provisions designed to provide landowners with a variety of incentive programs and technical assistance for incorporating sound conservation practices into farming, grazing, and livestock operations. The 1996 Farm Bill replaces and incorporates portions of previous farm bills including the Food Security Act of 1985 and the 1990 Farm Bill.

Under Title III, the Wetlands Reserve Program and the Conservation Reserve Program of the Food Security Act of 1985 are extended through 2002. Changes in the program provide landowners with more options for protecting wetlands and highly erodible lands. Also addressed under Title III is a new Wildlife Habitat Incentive Program to help landowners improve wildlife habitat on private land. A flood Risk Reduction Program was established to provide incentives to move farming operations from frequently flooded lands.

Executive Order 11988, Flood Plain Management

This Executive Order requires the Corps to provide leadership and take action to (1) avoid development in the base (1 in 100 annual event) flood plain (unless such

development is the only practicable alternative); (2) reduce the hazards and risk associated with floods; (3) minimize the effect of floods on human safety, health, and welfare; and (4) restore and preserve the natural and beneficial values of the base flood plain.

To comply with this Executive Order, the policy of the Corps is to formulate projects which, to the extent possible, avoid or minimize adverse effects associated with use of the base flood plain and avoid inducing development in the base flood plain unless there is no practicable alternative. The Lower Cache Creek Flood Damage Reduction Draft EIS/EIR is in compliance with this Executive Order.

The project provides various levels of flood protection to the project area. The proposed flood barrier is consistent with existing City and County policies regarding land use and flood protection. The project area would be developed in accordance with existing adopted land use designations. Current growth projections for the project area were determined to be the same for with- and without-project conditions. Therefore, the project would not induce any development in the base flood plain.

Executive Order 11990, Protection of Wetlands

This order directs the Corps to provide leadership and take action to minimize the destruction, loss, or degradation of wetlands and to preserve and enhance the natural and beneficial values of wetlands in implementing civil works projects. Any agency considering a proposal that might affect wetlands must evaluate factors affecting wetland quality and survival. These factors should include the proposal's effects on the public health, safety, and welfare due to modifications in water supply and water quality, maintenance of natural ecosystems, and conservation of flora and fauna; and other recreational scientific and cultural uses. The project complies with this Executive Order because there are no wetlands in the project area.

Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations

This order directs all Federal agencies to identify and address adverse human health or environmental effects of their programs, policies, and activities on minority and low-income populations. Specifically, agencies must collect, maintain, and analyze demographic and economic information when the proposed project would have a substantial environmental, human health, or economic effect on surrounding populations. This project is in compliance with this Executive Order for several reasons.

- The proposed action would have no substantial environmental justice effects on the project area.
- Flood control alternative plans were formulated according to Corps policies and regulations, as well as other Federal guidelines and laws, and were not designed to provide flood protection or to benefit any specific ethnic or socioeconomic group in the community.

- Public involvement for this study included several meetings open to the public. All public comments via telephone, letter, e-mail, and meetings were considered in the formulation of alternative plans and evaluation of effects.

Farmland Protection Policy Act (7 U.S.C. 4201 et seq.)

This act requires a Federal agency to consider the effects of its action and programs on the Nation's farmlands. The act charges the U.S. Department of Agriculture with implementing programs that develop criteria for identifying the effects of Federal programs on the conversion of farmlands into nonagricultural uses. Federal agencies must consider alternative actions, as appropriate, to reduce such adverse effects and ensure that their programs, to the extent practicable, are compatible with State, local, and private programs. The act also authorizes local governments to identify farmland of local importance and exempts land already committed to urban development.

The designation of prime farmland grew out of a program by the Natural Resource Conservation Service to map the Nation's important farmlands. The Corps in collaboration with the Natural Resources Conservation Service developed a Farmland Conversion Impact Rating.

Executive Order 13148, The Greening of Government Through Leadership in Environmental Management

The Executive Order holds each Federal agency and Federal agency contractors responsible for ensuring that all necessary actions are taken to integrate environmental accountability into day-to-day decisionmaking and long-term planning processes. Environmental management considerations must be fundamental in all environmental leadership programs, policies, and procedures. Each agency is responsible for complying with all environmental regulations by establishing compliance audit programs and policies that emphasize pollution prevention and reduction.

Executive Order 13007, Indian Sacred Sites

This Executive Order requires that all Federal agencies either statutorily or administratively responsible for Federal land management provide, to the extent practicable and as permitted by law, access to and ceremonial use of Native American sacred sites by Native American religious practitioners and avoid adversely affecting the physical integrity of such sacred sites. If sites are identified, then the Corps would comply with Executive Order 13007.

5.8.2 State Laws, Regulations, and Policies

State Reclamation Board of California

As the representative non-Federal sponsor of the Lower Cache Creek Potential Flood Damage Reduction Project, the Board has primary responsibility for the CEQA review process and project review.

State Water Resources Control Board, Division of Water Quality, and the California Regional Water Quality Control Board, Central Valley Region

The State Water Resources Control Board and the California Regional Water Quality Board for the Central Valley region review activities that affect water quality in the Central Valley. The boards administer the requirements mandated by the State and Federal law (Clean Water Act). The Regional Water Quality Control Board establishes water quality standards and reviews individual projects for compliance with the standards.

Permits or Approvals Required

An NPDES general permit for construction activities would be acquired from the Central Valley RWQCB, and a stormwater pollution prevention plan would be developed in accordance with the guidelines of the general permit. The NPDES permit would be acquired before construction activities begin. Appropriate water quality certification would be acquired from the Central Valley RWQCB. BMP's to be implemented as part of the project are outlined in Section 5.7.3.

California Department of Fish and Game, Region 2

Generally, the DFG administers State laws providing for protection of fish and wildlife resources. The DFG administers the California Endangered Species Act (CESA) of 1984. This act requires the non-Federal agencies to prepare biological assessments if a project may adversely affect one or more State-listed endangered species.

Permits or Approvals Required.

The Board as the non-Federal sponsor is responsible for initiating coordination with the DFG as required under the CESA. The DFG would issue a biological opinion for the State-listed species affected by the project. Conservation measures to avoid effects to State special-status species are listed in Section 5.7.3. Also, all incidental take conditions in the biological opinion would be implemented as part of the proposed project.

State Historic Preservation Officer

The State Historic Preservation Officer (SHPO) administers the national historic preservation program at the State level, reviews National Register of Historic Places nominations, maintains data on historic properties that have been identified but not yet nominated, and consults with Federal agencies during Section 106 review.

Federal agencies seek the views of the appropriate SHPO when identifying historic properties and assessing effects of an undertaking on historic properties. Agencies also consult with the SHPO when developing Memoranda of Agreement.

Under Section 106 and the 36 CFR 800 regulations, consultation with the SHPO and others would be initiated during the next planning phase of the project. The PA would be reviewed by all parties concerned and finalized after comments had been

addressed. The Section 106 consultation process would be concluded after the PA is signed. Implementation of the steps outlined in the PA would take place as appropriate, beginning with a more complete inventory and evaluation of the resources. The draft PA has been included in the DEIS/EIR as Appendix C

Permits or Approvals Required.

Actions ensuring compliance with Section 106 of the National Historic Preservation Act of 1966 (see above section).

State Mining and Geology Board

The State Mining and Geology Board oversees the implementation of pertinent State laws and regulations. One of the laws within its jurisdiction is the Surface Mining and Reclamation Act of 1975 (Public Resources code, Div. 2, Chapter 9, Section 2710, et seq.)

Permits and Approvals Required.

The Surface Mining and Reclamation Act (SMARA) requires that an entity seeking to conduct a surface mining operation obtain a permit from, and submit a reclamation plan to, the SMARA lead agency overseeing that operation. To be adequate, the reclamation plan must contain all categories of information specified in the SMARA. A lead agency's finding can be appealed to the State Mining and Geology Board. The Lower Cache Creek Potential Flood Damage Reduction Project would not require a permit under this Act because the use of borrow material is not classified as a surface mining operation.

California Environmental Quality Act

CEQA charges public agencies with avoiding or substantially reducing significant environmental damage, where feasible. In discharging this duty, the public agency has an obligation to balance a variety of public objectives, taking into account economic, environmental, and social issues. The EIR is an informational document that informs public agency decisionmakers and the general public of the significant environmental effects of a proposed project. This document has been drafted to comply with CEQA requirements.

Public Resources Code Section 21080

This California code requires public agencies to adopt a reporting or monitoring program to mitigate or avoid significant effects on the environment. The reporting or monitoring program must be designed to ensure compliance during project construction. Responsible agencies are also required to either submit to the lead agency detailed performance objectives for mitigation measures or refer the agency to available guidelines or reference documents.

Porter-Cologne Act

In 1967, the Porter-Cologne Act established the State Water Resources Control Board and nine regional boards as the State agencies with primary authority over the regulation of water quality and allocation of appropriative surface-water rights in California. The Porter-Cologne Act is the primary State water quality legislation administered by the State Board and provides the authority to establish water quality control plans that are reviewed and revised, as well as statewide plans. Water quality control plans, also known as basin plans, designate beneficial uses for specific surface-water and groundwater resources and establish water quality objectives to protect those uses. In acting on water rights applications, the State Board may establish terms and conditions in a permit to carry out water quality control plans.

The Central Valley Regional Water Quality Control Board's Draft Staff Report on Recommended Changes to California's Clean Water Act Section 303(d) List (September 2001) identifies Cache Creek as a high priority water body that does not attain water quality standards. Water Quality Objectives are defined as limits or levels of water quality constituents and characteristics established for reasonable protection of beneficial uses or prevention of nuisance. Under the Porter-Cologne Act, discharges of subsurface agricultural drainage, tailwater, and stormwater from agricultural lands to surface water do not require NPDES permits.

In addition to implementing the NPDES permitting program, the Porter-Cologne Act authorizes the RWQCBs to issue Waste Discharge Requirements (WDR's). Generally, WDR's are issued for discharges that are exempt from the Clean Water Act NPDES permitting program, discharges that may affect groundwater quality, and/or wastes that may be discharged in a diffused manner. WDR's are established and implemented to achieve environmental quality objectives for receiving water as established in the basin plans.

The LCCFB and Modified Wide Setback Levee Plans comply with water quality objectives and the implementation schedule.

California Endangered Species Act

The CESA provides for the protection and conservation of threatened and endangered species and their habitats. It is very similar to the ESA. In general, CESA:

- Authorizes determination and listing of species as endangered or threatened.
- Prohibits the take, possession, purchase, or sale of endangered, threatened, or candidate species.
- Provides authority for State agencies to purchase habitat for endangered and threatened species.

- Directs the DFG to work closely with the USFWS and NMFS to participate to the greatest extent practicable in Federal consultations, and to adopt the Federal biological opinion whenever possible.

The Natural Community Conservation Planning Act

This act (DFG Code Section 2800 *et seq.*) provides for the preparation and implementation of large scale natural resources conservation plans. A natural community conservation plan must identify and provide for "the regional or area wide protection and perpetuation of natural wildlife diversity, while allowing compatible and appropriate development and growth." Natural community conservation plans are intended to provide comprehensive management and conservation of multiple wildlife species including, but not limited to, species listed pursuant to CESA, Section 2050 *et seq*.

Surface Mining and Reclamation Act

The State Mining and Geology Board oversees implementation of pertinent State laws and regulations. One of the laws within its jurisdiction is the Surface Mining and Reclamation Act of 1975 (Public Resources Code, Section 2710, et seq).

Permits and Approvals Required.

The Surface Mining and Reclamation Act requires that an entity seeking to conduct a surface mining operation obtain a permit from and submit a reclamation plan to the lead agency overseeing that operation. An adequate reclamation plan must contain all categories of information specified in this act. The use of borrow material is not considered surface mining; therefore no permits would be required.

5.8.3 Regional Laws, Regulations, and Policies

Yolo County Habitat Conservation Plan

Two goals of the Yolo County HCP are:

(1) to support the issuance of a Section 10(a)(1)(B) "incidental take permit" under the Endangered Species Act and Section 2081(b) take permit under the California Endangered Species Act and the DFG Code of California. (These permits authorize take of a covered species during urban development and other activities in Yolo County.)

(2) equally important, to maintain existing agricultural values on those lands in Yolo County where conservation activities may occur under the HCP. Agricultural values are defined as agricultural yields and productivity, or the aggregate dollar value of Yolo County farm-gate production (Yolo County, 2001).

5.8.4 County Laws, Regulations, and Policies

Evaluating the level of compliance with locally adopted plans can be complicated and must consider the following: (1) broad and unspecific goals articulated in local

general plans; (2) potential project influence on the location, density, and rate of development in ways that may differ with existing local plans and policies; and (3) the currency of local plans.

The project area is located within the jurisdictions of the City of Woodland and Yolo County General Plans. The proposed project is expected to comply with regulations and guidance contained within applicable general plans.

Air Pollution Control Districts

Project construction falls under the jurisdiction of the YSAQMD. The district determines whether project emission sources and levels significantly affect air quality, based on standards established by EPA and the California Air Resources Board.

Public Works and Transportation Departments

All proposed activity involving encroachments within, under, or over county or city road rights-of-way must be covered by an encroachment permit. Appropriate local agencies would be consulted by the non-Federal sponsor as necessary to obtain enroachment permits.

Yolo County General Plan, 1983

Goals of the General Plan include (1) protect and conserve prime and other agricultural land from urban development, (2) conserve and manage water resources (groundwater, stream, and the Delta), (3) make land use compatible with cultural and rural setting, (4) discourage urban sprawl, (5) discourage segregation in neighborhoods, (6) preserve county history and historical sites, (7) control erosion and practice soil management, and (8) control flooding and avoid the effects of flooding.

LU-9 directs Yolo County to apply agricultural preserve zoning to all agricultural lands which qualify for an agricultural preserve contract. The County may also apply agricultural preserve zoning to other lands which the Planning Commission finds are critically situated, relative to existing Agricultural Preserves. LU-18 directs Yolo County to consider placement of certain agricultural land uses in agricultural areas by means of conditional use permits. Findings for approval must include sites that have some hazard or nuisance aspect which precludes them from being placed in an urban area.

Safety and Seismic Safety Policies 5 through 8 (S5-8) describe policies regarding flood plain zones that include mitigating the effects of flooding, flood proofing in "acceptable low risk flooding" areas, and residential development in designated floodways.

Yolo County Final Off-Channel Mining Plan for Lower Cache Creek, July 30, 1996

The Board of Supervisors adopted this plan recognizing the importance of mining, as well as the significance of the creek for its integral contribution to drainage/flood

protection, water supply and conveyance, wildlife, habitat, recreation, and agricultural productivity. A key assumption is that the creek as an integrated system plays a significant role on the environment and social resources of the county, causing the County to emphasize its importance in resource management.

Grading Ordinance

Yolo County has adopted the Uniform Building Code, as amended, which includes Chapter 33 Entitled Excavation and Grading. Consequently, projects are subject to the Uniform Building Code as adopted by Yolo County.

Yolo County EIR for Cache Creek Resources Management Plan and EIR for Cache Creek Improvement Program, April 8, 1996

The Cache Creek Resources Management Plan contains seven elements covering floodway and channel stability, water resources, biological resources, open space and recreation, aggregate resources, and agriculture. The CRMP contains goals, objectives, actions, and performance standards for each area.

5.8.5 City Laws, Regulations, and Policies

City of Woodland General Plan Wastewater Collection, Treatment, Disposal, and Reuse

Policy 4.D.7 subsequent to Goal 4 D mandates that the City (1) investigate potential hazards and nuisances associated with operations at the wastewater treatment plant and (2) identify any necessary buffering requirements or operational changes at the plant that may be necessary (City of Woodland, 1996).

Stormwater Drainage

Policy 4.E.2. subsequent to Goal 4E encourages project designs that minimize drainage concentrations and impervious coverage. Policy 4E4 requires projects that have significant effects on the quantity and quality of surface water runoff to incorporate mitigation measures for effects related to urban runoff. Woodland General Plan Policy Document, February 1996, p. 4-9 (City of Woodland, 1998).

City of Woodland Urban Limit Line

The City of Woodland General Plan defines an urban limit line that encompasses all land designated for urban development within the time frame of the General Plan (by 2020). The Policy Document directs most new residential growth to the south between College Street and County Road 102. On the south, land use adds approximately 1,750 acres to the Urban Limit Line, including Yuba College and County jail facilities (City of Woodland, 1996).

City of Woodland's General Plan Agricultural Policy

The City of Woodland recognizes that the city was built on prime agricultural land and that the land with prime soils is also land most attractive for urban development. In response to this awareness, the City's General Plan developed a policy that protects Woodland's agricultural surroundings because these surroundings play a central role in the city's history, character, and economy. The agricultural policy in the City's General Plan seeks to maintain agricultural uses as long as possible and to protect adjacent agricultural lands from adverse effects of urban development (City of Woodland, 1996).

City of Woodland's General Plan Open Space Policy

The City of Woodland recognizes the value of open space resources, both manmade and natural. Woodland's open space resources include parks, mature trees, agricultural lands, and the natural environment. The City has promulgated an open space policy that serves to preserve and enhance open space lands to maintain the natural resources of the Woodland area (City of Woodland, 1996).

Table 5-2. Status of Compliance

Federal Statute	Status of Compliance
National Environmental Policy Act of 1969	Ongoing
National Historic Preservation Act of 1966	Ongoing
Clean Air Act	Ongoing
Water Resources Development Act of 1986	Ongoing
Clean Water Act	Ongoing. A 404(b)(1) evaluation has been completed.
Endangered Species Act	Ongoing. Informal consultation has been initiated.
Federal Water Project Recreation Act	In compliance
Fish and Wildlife Coordination Act	Ongoing. A draft CAR has been furnished by the USFWS.
Migratory Bird Treaty Act	Ongoing. Conservation measures have been identified to aid in compliance.
Federal Agriculture Improvement and Reform Act of 1996 and 1985 Food Security Act	No effect.
Executive Order 11988, Flood Plain Management	Ongoing
Executive Order 11990, Protection of Wetlands	Ongoing
Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations	In compliance
Farmland Protection Policy Act	In compliance
Executive Order 13148, The Greening of Government Through Leadership in Environmental Management	In compliance
Executive Order 13007, Indian Sacred Sites	In compliance
Note: Ongoing – Some requirements of the regulation remain to be met by subsequent installation actions before implementation of some of the actions associated with this project. Once the statutory requirement for each action has been met, compliance will be labeled "in compliance".	

5.9 Public Involvement

Early in the study, a public involvement strategy was developed to ensure that agencies, organizations, and individuals potentially affected by the project or with an interest in the project would be included in the process. The public was involved in the scoping process to aid in developing flood reduction measures and had opportunities to comment once preliminary measures were developed. Section 5.9.1 further details these meetings.

Throughout the study, the Corps has closely coordinated with the non-Federal cost-sharing sponsor, the State Reclamation Board of California. On September 13, 2000, the Lower Cache Creek Feasibility report team, consisting of representatives from the cost-sharing partners, began meeting weekly to discuss major management decisions in accordance with the Feasibility Cost Sharing Agreement.

On March 23, 1999, the City of Woodland Public Works staff recommended creating an advisory body to the City Council to assist in the evaluation of flood effects, protection alternatives, and methods of funding improvements to assist in dealing with the flood threats to Woodland. The Task Force is composed of members of the Woodland City Council, City Mayor and Deputy Mayor, an Association of General Construction member, a member of the Cache Creek Conservancy, two Woodland Chamber of Commerce members, and three citizens at large. The Woodland Floodplain Task Force helped identify measures for the initial screening process. On February 8, 2001, task force members were presented with the evaluation of the five preliminary alternatives.

The project team composed of representatives from The Board, USFWS, Corps, and the City of Woodland began meeting on February 9, 2000, and continued monthly meetings to discuss design and project feasibility. The Corps and the Board held various meetings to coordinate concerns of CALFED, the gravel mining industry, the RWQCB, the California Northern Railroad, Caltrans, National Marine Fisheries Service, Yolo County Farm Bureau, Sacramento Valley Farm Credit Bureau, and individual stakeholders.

5.9.1 Public Interest

The Corps published the Notice of Intent (NOI) to prepare an EIS in the Federal Register on May 5, 2000. The Board delivered the Notice of Preparation (NOP) to the California State Clearinghouse on June 11, 2000. Comments on the NOI and NOP were requested; none were received.

On May 30, 2000, the City of Woodland, the Board, and the Corps hosted a public workshop to solicit public input on flood control and environmental and cultural resources issues along lower Cache Creek. The same hosts organized another public workshop on May 31, 2001, to discuss FEMA flood maps and flood protection alternatives and to invite public insight into the flood control management process.

The Corps and Board met numerous times with public and private parties to identify and discuss concerns, tailor actions, and expand insight into the flood control

management process. Public and private entities included private landowners, a private gravel-mining company, and Sacramento and Yolo County Farm Bureaus.

This study was heard at public meetings before the Board on June 13, 2001 and December 21, 2001. Members of the public, as well as other public and private entities, were invited to express concerns during the proceedings.

Table 5-3 documents meetings on the Lower Cache Creek Potential Flood Damage Reduction Project including public workshops and agency meetings as well as submittal of the NOI and NOP. Copies of the NOI, NOP, and public notices for the workshops are included in Appendix J. Also included in Appendix J are tables documenting project and team meetings, as well as project-related newspaper articles.

In the March 5, 2002 election, three measures were included on the ballot in regards to the financing of the City share of the Lower Cache Creek Flood Damage Reduction Project. One was a local sales tax extension and the remaining two were advisory measures related to the sunsetting of the sales tax measure if the setback levee were the selected plan, or if the flood barrier were the selected plan. The funding measure was put on the ballot in advance of release of the Draft Feasibility Report and Draft EIS/EIR in order to facilitate seeking federal funding support in 2002. All three measures were voted down. Release and public review of the Draft Feasibility Report and Draft EIS/EIR are expected to clarify and address concerns raised during the March 2002 election process.

Table 5-3. Agency and Public Meetings on Scoping of the Lower Cache Creek Feasibility Report and Environmental Impact Statement/Environmental Impact Report

Meeting	Date	Place	Meeting Noticed	Brief Description	Agency & Public Involvement
Notice of Intent (NOI)	5/5/00		Published in the Federal Register		State Reclamation Board of California U.S. Army Corps of Engineers
F2 Public Workshop	5/30/00	Heidrick Ag Museum, 1962 Hays Lane, Woodland	Daily Democrat, Davis Enterprise 5/10/00	Explanation and public comment solicitation on FS alternatives	
Public Notification of Preparation for Draft EIS/EIR	6/11/00		Filed in the California Office of Planning and Research		State Reclamation Board of California U.S. Army Corps of Engineers
Coordination Meeting with Yolo County	12/28/00	Yolo County		Discussed key concerns: mercury, bridge replacement, preservation of ag land	Yolo County and CDM
Mercury Meetings with Regional Water Quality Control Board	1/27/01 2/15/01	RWQCB		Discussed mercury issues in settling basin	RWQCB, DWR, CDM
Meeting with Caltrans	3/28/01	CDM, Sacramento		Hydraulic report and I-5 closures	Blake Johnson, Lee Fredericksen, Caltrans
Meeting with the California Northern Railroad	5/11/01	CDM, Sacramento		Discussed cost to construct reinforced concrete ballast deck on the Sugarfield Branch	Blake Johnson and Lee Fredericksen

Table 5-3. Agency and Public Meetings on Scoping of the Lower Cache Creek Feasibility Report and Environmental Impact Statement/Environmental Impact Report

Meeting	Date	Place	Meeting Noticed	Brief Description	Agency & Public Involvement
Meetings with Private Landowners	5/22/01	Willow Oak Hall, 10/12/01		Discuss alignment of west end of the flood barrier	Landowners, City of Woodland, COE, and CDM, Yolo County
Cache Creek Flood Protection Public Workshop	5/31/01 7-9 p.m.	Heidrick Ag Museum, 1962 Hays Lane, Woodland		Overview of FEMA process, update on Feasibility Report, funding	118 people from City of Yolo, City of Woodland, City of Walnut Creek, City of Sacramento
Interagency Coordination Meetings	6/1/01 7/13/01 8/22/01	1416 9th St., Rm 1601, Sacramento (7/13/01 only)		Inlet weir into settling basin, Mercury, TMDL, coordination	State Reclamation Board of California, Yolo County, City of Woodland, CALFED
State Reclamation Board of California	6/13/01 12/21/01	Resources Building, Sacramento	Public meeting notice protocol per State Reclamation Board of California	CDM presented Lower Cache Creek study before State Reclamation Board of California	Members of public, State Reclamation Board of California, CDM
Meeting with Teichert Aggregate, Inc.	10/02/01 9 p.m.	CDM, Sacramento		Coordinate gravel mining next to Cache Creek	COE, Teichert Aggregate, CDM, MBK, DWR, City of Woodland
Public Meeting	10/18/01			CDM met with four members of the public to discuss their preferred alternative	Four members of the public and CDM
City of Woodland Convened Special Meeting	10/23/01	City Council Chambers		Public receives update on flood protection issues	

Table 5-3. Agency and Public Meetings on Scoping of the Lower Cache Creek Feasibility Report and Environmental Impact Statement/Environmental Impact Report

Meeting	Date	Place	Meeting Noticed	Brief Description	Agency & Public Involvement
Yolo County Farm Bureau	1/8/02 7 p.m.	Woodland, California		Present project to Yolo County Farm Bureau	Corps, Yolo County Farm Bureau, CDM
Sacramento Valley Farm Credit Bureau	1/11/02	Woodland, California		Informational presentation on flood barrier on effects to agricultural land to receive lenders' input	

5.9.2 Comments on the EIS/EIR

The NOI to prepare a Draft EIS/EIR for a Proposed Flood Reduction Investigation in Yolo County, California, was published in the Federal Register on May 5, 2000. The Notice of Preparation (NOP) of a Draft EIR was also submitted to the Office of Planning and Research State Clearinghouse by the Board on June 11, 2000. No comments were received on either the NOI or NOP.

A notice of availability of the Draft EIS/EIR was published in the Federal Register March 21, 2003. The draft was distributed for public review on March 21, 2003. A public workshop will be held during the 45-day review period to provide additional opportunities for comment on the Draft EIS/EIR. All comments received by May 5, 2003, will be incorporated into the final EIS/EIR, as appropriate. A comments and responses appendix will be included in the final EIS/EIR.

5.9.3 Intended Uses of the EIS/EIR

The EIS/EIR is an information document. Its purpose is to inform public agency decisionmakers and the general public of the significant effects of the project. The document also identifies ways to minimize significant effects and describes reasonable alternatives to the project (CEQA Guidelines, Section 15121 (a) and 40 CFR 1502.1). Under the CEQA Guidelines (Section 15151), the standard for adequacy is:

"An EIR should be prepared with sufficient degree of analysis to provide decision-makers with information which enables them to make a decision which intelligently takes account of environmental consequences. An evaluation of the environmental effects of a proposed project need not be exhaustive, but the sufficiency of an EIR is to be reviewed in the light of what is reasonably feasible. Disagreement among experts does not make an EIR inadequate, but the EIR should summarize the main points of disagreement among experts. The courts have looked not for perfection but for adequacy, completeness, and a good faith effort at full disclosure."

Upon completion of the review process, the final EIS/EIR would be submitted first to the Secretary of the Army, who would issue a Record of Decision regarding the adequacy of the document and the desirability of going forward with the project. If the Secretary reaches a decision in favor of construction, the EIS/EIR would go to Congress, who then decides whether or not to authorize the project. The analyses of the EPA would be considered in the authorization process.

On the State and local levels, the document must be approved first by the Board, which functions as a "responsible agency" (CEQA Guidelines, Section 15381) and represents the interests of the affected city and county governments. The Board would act as the project's "lead agency" (CEQA Guidelines, Section 15367) and submit the EIS/EIR to the State legislature for authorization. If authorization is received from both the State and Federal legislatures, the project can go to construction.

State and other local agencies may use the final EIS/EIR when they consider permits or approvals that may be associated with the project. Coordination with agencies

such as State Mining and Geology Board and the YSAQMD may be necessary to obtain permits or approvals.

5.9.4 Agencies, Organizations, and Persons Receiving Notification of Availability of the EIS/EIR

This section lists Federal, State, regional, and local public and private agencies and organizations that would either receive a copy of the Draft EIS/EIR or a notification of document availability. In addition to the regulatory agencies, agencies with special expertise or interest in evaluating environmental issues related to the project are included. Private agencies, organizations, and individuals who may be affected by the project or who have expressed an interest in the project through the public involvement process are also included.

Elected Officials

Governor of California
- Honorable Gray Davis

United States Senate
- Honorable Barbara Boxer
- Honorable Dianne Feinstein

House of Representatives
- Honorable Doug Ose
- Honorable Mike Thompson
- Honorable Wally Herger

California Senate
- Honorable Mike Machado

California Assembly
- Honorable Lois Wolk
- Honorable Richard Dickerson

United States Government Departments and Agencies

Fish and Wildlife Service
U.S. Geological Survey
Bureau of Land Management
Office of Environmental Project Review
Advisory Council on Historic Preservation
Natural Resources Conservation Service
Agricultural Stabilization and Conservation Service
Federal Highway Administration
Council on Environmental Quality
Environmental Protection Agency (Washington D.C. and San Francisco)
Federal Emergency Management Agency
National Marine Fisheries Service
National Park Service

State of California Governmental Agencies

Office of Historic Preservation
Senate Committee on Natural Resources
Assembly Committee on Water, Parks, and Wildlife
Department of Fish and Game
Department of Conservation
Department of Water Resources
    The Reclamation Board
    California Water Commission
State Water Resources Control Board
    Regional Water Quality Control Board
State Lands Commission
State Clearinghouse
Office of Transportation Planning
California Department of Transportation
California Air Resources Board
Native American Heritage Commission

Local Government

Yolo County Board of Supervisors
City of Woodland City Council
Woodland Chamber of Commerce
Yolo County Flood Control and Water Conservation District
Yolo County Department of Public Works
City of Woodland Community Development Department
City of Woodland Public Works
Yolo County Planning Department
Woodland Library

Organizations

Audubon Society
Cache Creek Nature Preserve
California Native Plant Society
California Northern Railroad/Rail America
California Wildlife Federation
Friends of Swainson's Hawk
Rumsey Indian Rancheria of Wintun Indians
Sierra Club

Persons

Bryce Birkman
Brenda Cedarblade
Mike Diepenbrock
Antonio Fernandez
Jean Harder
Mark Harrison
Pam Huston
Gary Johns
Kent Lang
Nancy Lea
Mark McComas
Jim Staker
Don Sharp
Bob Young